WP(C) 2599/2002
BEFORE
THE HON’BLE MR. JUSTICE HRISHIKESH ROY
Heard Mr. S. Sarma, the learned Counsel representing the petitioner in WP(C) No. 1636, Mr. D.R. Gogoi and J. Handique appears for the petitioners in WP(C) No. 2599/2002 and WP(C) No.3427/2002 respectively. Ms. S. Seal, the learned Standing Counsel, Excise appears for the State respondents.

2. All these matters pertain to non issuance of IMFL Off licence, despite Government sanction. When the case was taken up today, Ms. S. Seal submits that these cases are similar and is covered by the judgment passed in W.A. No. 253/2007 (Udday Sankar Paul vs. State of Assam and others). She produces a copy of the order passed by the Division Bench. The lawyers appearing for the petitioners are in agreement with the departmental Counsel.

3. In that case, the Division Bench passed the following order :

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having regard to the Sharif Ahmad’s case (Supra) and on close perusal of the materials available on record including the Government’s approval vide letters dated 18.9.2000 as well as upon hearing the learned counsel for the parties, this Court is of the view that since the Deputy Commissioner concerned is only to perform ministerial function, it is a fit case for issuance of a writ in the nature of mandamus directing the concerned authority, Respondent No.3 to issue the licence in question to the petitioner within a period of 15 days from the date of receipt of the order. It is ordered accordingly.

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4. Since the parties are in agreement that these cases should be disposed of in terms of the order of the Division Bench, as extracted above, all the three writ petitions stand allowed in terms of the Division Bench order dated 18.6.2007 recorded in WA No. 253/2007. Cases are ordered accordingly without any order on cost.

5. A copy of the order passed in WA No. 253/2007 produced by Ms. S. Seal shall be kept in each case record.